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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,905

02/11/2004

Vijay S. Raisinghani

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EXAMINER

BHATTACHARYA, SAM

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,905

Applicant(s)

RAISINGHANI ET AL.

Examiner

Sam Bhattacharya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-17 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-17 and 19-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/26/06 has been entered.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1, 2, 4, 17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonoyama et al. (US 2004/0122570) in view of Pillar et al. (US 2005/0234622).

Regarding claim 1, Sonoyama discloses a communication system for communication between a vehicle and a service station, including a vehicle 1 having a diagnostic system, a transceiver 11 operable on a LAN, and a memory 12 for storing diagnosis information concerning a performed diagnosis on the vehicle; and a local communication device 16 for the vehicle service station, the local communication device operable on the LAN and operable to access the diagnostic system and to download the diagnosis information from the vehicle. Sonoyama also discloses that the LAN is a wireless LAN (see FIG. 1) and the communication system operates such that the local communication device synchronizes service records with the vehicle. See FIG. 1, paragraph 22, lines 1-13 and paragraph 24, lines 1-7.

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Sonomoya fails to disclose accessing the vehicle diagnostic system from an external source to perform a diagnosis of the vehicle.

However, in an analogous art, Pillar discloses accessing the vehicle diagnostic system 212 from an external source 428 to perform a diagnosis of a vehicle. See paragraph 266, lines 1-28. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of Sonoyama by incorporating this feature, as taught by Pillar, for the purpose of allowing performance of diagnoses on several vehicles simultaneously from one source.

Regarding claim 2, Sonoyama discloses that the LAN is a wireless LAN and the local communication device is to query for the vehicle transceiver within a coverage area of the LAN. See paragraph 25, lines 1-8.

Regarding claim 4, Sonoyama discloses that the local communication device queries a vehicle for identification information and provides the identification information for correlation with ownership information in a local database. See paragraph 37, lines 1-7 and paragraph 86, lines 1-13.

Regarding claim 17, Sonoyama discloses a method for communication between a service station and a vehicle 1 with a transceiver 11 operable on a local area network, a diagnostic system, and having a memory 12 for storing information on the vehicle, the method including querying for a vehicle local area network transceiver within a coverage area of a local area network; downloading vehicle identification information and the diagnosis information from the memory over the local area network; and determining service required for the vehicle using the identification information and/or the diagnosis information. Sonoyama also discloses that the

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local communication device queries a vehicle for identification information and provides the identification information for correlation with ownership information in a local database. See paragraph 22, lines 1-13, paragraph 25, lines 1-8, paragraph 37, lines 1-7 and paragraph 86, lines 1-13.

Sonomoya fails to disclose querying the vehicle diagnostic system from service station to perform a diagnosis of the vehicle.

However, in an analogous art, Pillar discloses accessing the vehicle diagnostic system 212 from a service station 428 to perform a diagnosis of a vehicle. See paragraph 266, lines 1-28. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of Sonoyama by incorporating this feature, as taught by Pillar, for the purpose of allowing performance of diagnoses on several vehicles simultaneously from one source.

Regarding claim 19, Sonoyama discloses that the vehicle includes a transceiver operable over a wide area network, and wherein the determining step includes the substeps of directing the vehicle diagnostic system, over a wide are network, to perform vehicle diagnostics; and downloading the results of the diagnostics over the wide area network. See paragraph 25, lines 1-11.

Regarding claim 20, Sonoyama discloses sending information regarding service of the vehicle to the vehicle through the local area network; and allowing approval of service from the vehicle through the local area network. See paragraph 119, lines 1-8.

Regarding claim 21, Sonoyama discloses storing service record data of the vehicle; and downloading the service record data from the vehicle memory. See paragraph 66, lines 1-12.

Regarding claim 22, Sonoyama discloses that the determining step includes an interactive session with a driver of the vehicle to assist in determining the service required. See paragraph 24, lines 1-7.

4. Claims 5-16 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonoyama et al. in view of Pillar et al. and Willson, Jr. et al. (US 2003/0033413).

Claims 5, 11 and 23 incorporate the teachings in Sonoyama and Pillar as discussed with respect to claim 1 above.

However, the combination of Sonoyama and Pillar fails to disclose that the vehicle includes a transceiver operable on a wide area network (WAN) of a network service provider and the local communication device is operable on the WAN, and wherein the local communication device can direct the vehicle diagnostic system, over the WAN, to perform vehicle diagnostics and to download results of the diagnostics back to the local communication device over the WAN.

However, in an analogous art, Willson discloses a mobile wireless local area network in which a vehicle transceiver operates on a WAN (the Internet) of a network service provider and a communication device operates on the WAN, where the device directs a vehicle diagnostic system over the WAN to perform diagnostics and to download diagnostic results back to the device over the WAN, the service station further including a WAN transceiver for communicating with the vehicle WAN transceiver on the WAN. See paragraph 24, lines 1-26. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of Sonoyama and Pillar by incorporating these

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features, as taught by Willson, for the purpose of allowing use of the vehicle diagnostics at various remote locations in the world that are connected to the Internet.

Regarding claim 6, Willson discloses that the local communication device is operable to download a particular diagnostic test application over the WAN for the vehicle diagnostic system to execute. See paragraph 25, lines 1-11. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the communication system of Sonoyama, Pillar and Willson by incorporating these features, as further taught by Willson, for the purpose of allowing modification of the test application at remote sites on the Internet.

Regarding claim 7, Sonoyama discloses that the local communication device is operable to send information regarding service for the vehicle to a user interface of the vehicle through the LAN and LAN transceiver. See paragraph 65, lines 1-10.

Regarding claim 8, Sonoyama discloses that the user interface is operable to allow approval of service to the local communication device through the LAN transceiver and LAN. See paragraph 119, lines 1-8.

Regarding claim 9, Sonoyama discloses that the memory of the vehicle is operable to store service record data of the vehicle and is used to download the service record data from the vehicle memory to the local communication device. See paragraph 66, lines 1-12.

Regarding claim 10, Sonoyama discloses that when any vehicle information is to be downloaded, a message indicating the same can be transmitted to a user interface of the vehicle such that a driver of the vehicle can disallow the download if desired. See paragraph 86, lines 1-13.

Regarding claim 12, Sonoyama discloses that the information contains at least one of a vehicle identification number and an odometer reading, and wherein the local communication device provides the information for correlation with ownership information in a local database. See paragraph 24, lines 1-7, paragraph 37, lines 1-7 and paragraph 86, lines 1-13.

Claim 13 incorporates the limitations of claims 5, 6 and 11, and is therefore rejected for the same reasons as these claims.

Claim 14 incorporates the limitations of claims 7 and 11, and is therefore rejected for the same reasons as these claims.

Claim 15 incorporates the limitations of claims 9 and 11, and is therefore rejected for the same reasons as these claims.

Regarding claim 16, Sonoyama discloses that the local communication device and the user interface are operable to provide an interactive session with a driver of the vehicle to assist in determining required service. See paragraph 24, lines 1-7.

Regarding claim 24, Sonomoya discloses after receiving the results of the diagnostic, determining service required for the vehicle. See paragraph 24, lines 1-26.

Regarding claim 25, Sonomoya discloses that the determining step includes an interactive session with a driver of the vehicle to assist in determining the service required. See paragraph 66.

Regarding claim 26, Sonomoya discloses sending the determined service required for the vehicle from the service station to the vehicle through the local area network; and allowing approval of service from the vehicle through the local area network. See paragraph 66.

Regarding claim 27, Sonomoya discloses storing service record data of the vehicle; and downloading the service record data from the vehicle memory. See paragraph 37, lines 1-7.

Regarding claim 28, Sonomoya discloses that the vehicle identification information is correlated with vehicle ownership information in a local database accessible from the service station. See paragraph 28.

Response to Arguments

5. Applicant's arguments filed 10/26/06 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with Applicant's arguments.

Regarding claim 1, Sonoyama discloses that the communication system operates such that the local communication device synchronizes service records with the vehicle, in paragraph 24, lines 1-7. Information needed for running of the vehicle are service records. The local communication device is the antenna 16 and other components within the vehicle. The claims do not recite retrieval of service history for the vehicle. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Accordingly, Examiner suggests that Applicant amend the claims to recite these limitations to give them patentable weight.

Regarding claim 17, Sonoyama discloses correlating the identification information with ownership information in a local database in paragraphs 37 and 86. The identification information is correlated with ownership information when the identification number included in

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the message is checked to confirm whether the message is authorized. Authorization entails that ownership information be available in the database.

Claim 11 does not recite a vehicle and a service station which can communicate with each other through a local area network and a wide area network. Examiner suggests that Applicant amend the claim to recite this limitation to give it patentable weight.

Regarding claims 11 and 23, as stated in the rejections, Sonoyama is relied on for teaching a LAN transceiver and Willson is relied on for teaching a WAN transceiver. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant does not point out the distinctions between the claims and the applied art. Sonoyama teaches receiving vehicle identification information from the vehicle at the service station over the LAN, in paragraph 22, lines 1-13 and paragraph 24, lines 1-7. Willson discloses receiving the results of the diagnostic at the service station over the WAN, in paragraph 24, lines 1-26.

Conclusion

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917. The examiner can normally be reached on Weekdays, 9-6, with first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sb


GEORGE ENG
SUPERVISORY PATENT EXAMINER